

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Nested Bean, Inc.,

Plaintiff,

v.

U.S. Consumer Product Safety Commission,
et al.,

Defendants.

Case No. 1:25-cv-00389-RGA

DEFENDANTS' MOTION TO EXCEED PAGE LIMITATION

Defendants move under Local Rule 7.1.3(a)(4) and the Court's Standing Order Regarding Briefing in All Cases for leave to file a brief in support of their motion to dismiss that exceeds the 20-page limit.

1. On March 28, 2025, Plaintiff filed its seven-count Complaint against Defendants, who include four federal agencies and individuals at those agencies. *See* D.I. 1.

2. Specifically, the Complaint asserts (a) three claims under the Administrative Procedure Act against the U.S. Consumer Product Safety Commission; (b) *ultra vires* and due process claims against a former member of the Commission, Richard Trumka; (c) a constitutional challenge to the Consumer Product Safety Act; and (d) an *ultra vires* claim against the Department of Health and Human Services, the Centers for Disease Control and Prevention, and the National Institutes of Health.

3. Defendants seek leave to file a brief in support of their motion to dismiss that is no longer than 30 pages, exclusive of the cover page, table of contents, and table of authorities. A

brief in excess of the limitation is necessary to adequately address the legal issues raised by the range of claims Plaintiff asserts challenging a variety of conduct by different Defendants.

4. Defendants' counsel conferred with Plaintiff's counsel, who declined to provide a position on this motion.

Accordingly, Defendants respectfully request that the Court set the page limitation for Defendants' brief in support of their motion to dismiss at 30 pages. A proposed order is attached.

Dated: August 28, 2025

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Respectfully submitted,

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